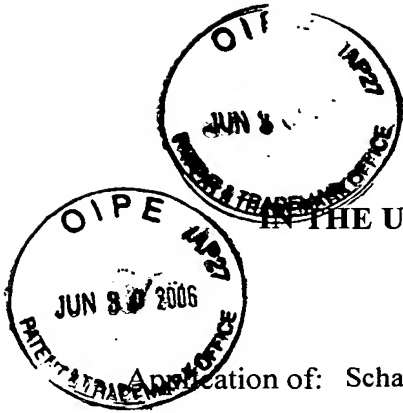


07-03-385 Rec'd PCT/TO 30 JUN 2006  
PCT

Express Mail No. EV 686 024 060 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant of: Schadt et al.

Confirmation No.: 9607

Serial No.: 10/540,405 national stage filing of  
PCT/US03/41613

Art Unit: To be assigned

Filed: December 24, 2003

Examiner: To be assigned

For: COMPUTER SYSTEMS AND  
METHODS FOR ASSOCIATING  
GENES WITH TRAITS USING  
CROSS SPECIES DATA

Attorney Docket No: 9301-210-999

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
AND REQUEST TO ADD JOHN LAMB AS INVENTOR**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("Notification"), mailed January 3, 2006, and in connection with the above-identified application, Applicants submit herewith: (1) a copy of the Notification; (2) a Petition for Extension of Time extending the period of response a total of four months from March 3, 2006 to and including July 3, 2006; (3) a Statement of John Lamb under 37 C.F.R. § 1.497(d)(1); (4) a Declaration for Non-Provisional Patent Application executed by the inventors Eric E. Schadt, Stephanie A. Monks, and John Lamb on June 27, 2006, June 28, 2006, and June 26, 2006, respectively; (5) a Consent of Assignee to Change of Inventorship Under 37 C.F.R. § 1.497 (d)(3) and Statement Under 37 C.F.R. § 3.73(b) with Exhibit A; (6) a Request Under 37 C.F.R. § 1.48(b) to Correct Inventorship; (7) an executed Power of Attorney by Assignee; (8) a copy of the executed Assignment being submitted for recordation on even date herewith; (9) a

Transmittal of Sequence Listing; (10) a Sequence Listing in written and computer readable forms; (11) a Preliminary Amendment; (12) an Amendment Fee Sheet; (13) an Information Disclosure Statement; and (14) a List of References Cited by Applicant including copies of references A16, A17, and B01-C116.

Applicants respectfully request that John Lamb be added as a named inventor.

A processing fee in the amount of \$130.00 is believed due under 37 C.F.R. § 1.17(i) for filing a Declaration under 37 C.F.R. § 1.497(d) pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in PCT International Application No. PCT/US03/41613. Please charge the required fee to Jones Day Account No. 50-3013. A copy of this sheet is enclosed.

No fee is believed due for the submission of the Declaration, since a surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date was authorized to be charge to the deposit account of Attorneys for Applicants in the Transmittal Letter to the U.S. Designated/Elected Office (Form PTO-1390) filed on June 22, 2005. However, if the Patent and Trademark Office determines otherwise, please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Date: June 30, 2006

Respectfully submitted,

  
Adriane M. Antler  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
Phone: (212) 326-3939

Reg. No. 42,813  
32,605  
(Reg. No.)

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

9301-210-999

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/540,405 ✓	FIRST NAMED APPLICANT Eric Schadt	ATTY. DOCKET NO. 9301-210-999
INTERNATIONAL APPLICATION NO. PCT/US03/41613		
I.A. FILING DATE 12/24/2003	PRIORITY DATE 12/27/2002	

20583  
 JONES DAY  
 222 EAST 41ST ST  
 NEW YORK, NY 10017

*Oath/Decl, Fee & Seq List 3-3 06*

CONFIRMATION NO. 9607

371 FORMALITIES LETTER



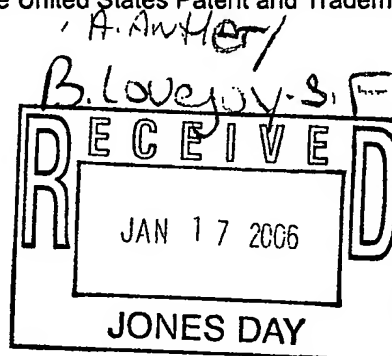
\*OC00000017764416\*

Date Mailed: 01/03/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/22/2005
- Copy of the International Search Report filed on 06/22/2005
- Copy of IPE Report filed on 06/22/2005
- Oath or Declaration filed on 06/22/2005
- Request for Immediate Examination filed on 06/22/2005
- U.S. Basic National Fees filed on 06/22/2005
- Priority Documents filed on 06/22/2005
- Specification filed on 06/22/2005
- Claims filed on 06/22/2005
- Drawings filed on 06/22/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$20510 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$20510** for a Large Entity:

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is **\$ 20510**
  - **\$5800** for 29 independent claims over 3.
  - **\$14350** for 287 total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,405	PCT/US03/41613	9301-210-999

FORM PCT/DO/EO/905 (371 Formalities Notice)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Schadt et al.

Confirmation No.: 9607

Serial No.: 10/540,405; national stage of  
PCT/US03/41613

Art Unit: To be assigned

Filed: December 24, 2003

Examiner: To be assigned

For: COMPUTER SYSTEMS AND  
METHODS FOR ASSOCIATING  
GENES WITH TRAITS USING  
CROSS SPECIES DATA

Attorney Docket No: 9301-210-999

**FEE TRANSMITTAL SHEET**Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$4150.00.

The claim amendment fee has been estimated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		<input type="checkbox"/> SMALL ENTITY	<input checked="" type="checkbox"/> OTHER THAN A SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID		PRESENT EXTRA		RATE	ADDIT. FEE	OR	ADDIT. FEE
TOTAL	72	MINUS	20	52	x 25	\$		x 50	\$ 2600.00
INDEP.	14	MINUS	3	11	x 100	\$		x 200	\$ 2200.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						\$			\$ 0.00
TOTAL						\$		OR	\$ 4800.00

Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Date: June 30, 2006

Respectfully submitted

*Brett J. Antler* Reg. No. 42,813  
Adriane M. Antler 32,605  
(Reg. No.)

**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

Enclosure